UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/79/Add.2
25 September 1992

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

COLOMBIA

1. The Committee considered the third periodic report of Colombia (CCPR/C/64/Add.3) at its 1136th to 1139th meetings, held on 2 and 3 April 1992, and adopted */ the following comments:

A. Introduction

2. The Committee expresses its appreciation for the State party's well-documented report, which was prepared in conformity with the Committee's guidelines, highlighting factors and difficulties that impede the implementation of the Covenant, and providing information not only about laws and regulations but also about actual practice. The fact that the new Constitution was not yet adopted at the time of the report's submission made it somewhat difficult for the Committee to acquaint itself with the current situation but the additional information supplied orally compensated for this to a large extent. The delegation endeavoured to answer all questions from the Committee and its members in an open and direct way admitting the existence of problems and negative facts or factors. The report and the additional information provided have enabled the Committee to obtain a comprehensive view of the human rights situation in Colombia.

---

*/ At the 1147th meeting, held on 9 April 1992.

B. Positive aspects

3. The Committee notes with satisfaction the positive effects of the constitutional reform on the enforcement of the rights enshrined in the Covenant. That reform had been preceded by other reforms of great importance for the strengthening of human rights in Colombia, particularly the establishment in 1987 of the Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights and the establishment of a National Human Rights Unit in the Directorate General of Criminal Investigation. In the same connection, the Committee notes the reorganization and strengthening of the special judicial functions of the Office of the Attorney-General, which have had beneficial consequences for the protection and preservation of the judiciary, as well as the creation of the Office of the Government Attorney for Human Rights (Ombudsman). Another positive aspect which is attributable mainly to the establishment of the Office of the Presidential Adviser for Reconciliation, Normalization and Rehabilitation and the institutionalization of the peace process, has been the success achieved to date in the ongoing reconciliation and normalization process encompassing insurgent guerrilla groups. However, the most important factors for the improvement of the human rights situation in Colombia seem to have been the introduction and establishment of participatory democracy, as well as a firm will to combat all forms of abuse of power, particularly violence by the police, the army and paramilitary units. Finally, the Committee expresses satisfaction that the approach taken by Colombia to the right to self-determination of peoples has been in line with the development of participatory democracy and that Colombia is making real efforts to achieve full equality for minority groups.

C. Factors and difficulties impeding the application of the Covenant

4. The Committee notes that the state of siege, which had been in force throughout the national territory since 1 and 2 May 1984, and which had impeded to a large extent the full application of the Covenant, was lifted as from 7 July 1991. However, all obstacles have not yet been removed. Peace has still not been achieved with all insurgent groups and organized drug-trafficking continues, with a considerably negative impact on the implementation of internationally recognized human rights. Also, paramilitary activities have not ceased entirely. These factors continue to restrain seriously citizens' enjoyment of their human rights.

D. Principal subjects of concern

5. The Committee expresses concern about the ongoing violence causing a rate of homicide, disappearances and torture which, although decreasing, is unacceptable. Of special concern to the Committee have been the murders of sectors of the population in so-called social cleaning operations ("limpieza social"). Moreover, the Committee is concerned about the phenomenon of impunity for police, security and military personnel. In that connection, the measures

that have been taken do not seem to be sufficient to guarantee that all members of the armed forces who abuse their power and violate citizens' rights will be brought to trial and punished. Military courts do not seem to be the most appropriate ones for the protection of citizens' rights in a context where the military itself has violated such rights. The persistence of paramilitary groups also causes concern. Furthermore, the Committee is of the opinion that full guarantees do not exist for adequate implementation of the provisions of article 4 of the Covenant regarding states of emergency. The Committee also notes with concern that the principle of equal pay for men and women has not yet been fully applied in Colombia. The child labour issue is also a matter that violates the Covenant.

E. Suggestions and recommendations

6. The Committee recommends that the State party should intensify its action against all violence resulting in human rights violations. It should eliminate impunity; strengthen safeguards for individuals vis-à-vis the armed forces; limit the competence of the military courts to internal issues of discipline and similar matters so that violations of citizens' rights will fall under the competence of ordinary courts of law; and disband all paramilitary groups. The Committee also urges the State party to deal more effectively with problems relating to child labour. Finally, the Committee calls for bringing emergency legislation into conformity with article 4 of the Covenant.